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MONDAY, DECEMBER 17. 1739

№ 1399.

To the AUTHOR *of* COMMON SENSE.

Right Honourable Sir,

HOPE you will not take amiss this respectful Application, or imagine that there is any Irony in my Address to you. I am really perswaded, tho' I have not the Honour to know any Thing about you, that you are a Person of vast Distinction; that you are cover'd with illustrious Titles; and that you pay at least Ten Thousand a Year to the Land-Tax. I say, I am perswaded of this, and much more so by your *Masterly* Way of Writing. In the Course of your Lucubrations you have treated *ours*, if not *your*, Sovereign, very Cavalierly: You have chastised both H——s of P—— with great Severity; and you have behaved, as might be well expected, a considerable Number of hard Names on the Gentry, Clergy, Officers Civil and Military, and the People of *Great Britain* in general. After all this, without Doubt, you must think yourself, and ought to be thought by others, a most extraordinary Person; and therefore, good Sir, I certainly do you no Wrong, when I say that I take you to be a very extraordinary Person.

After all this, I must beg Leave to say one Thing, and that is, that I hope you are a Person of more Honour, than to think of *Monopolizing* Common Sense; wherefore I conceive your Title means no more, than that your Common Sense is of the better Sort, Common Sense *Extraordinary*; which is what I readily grant you. These Points thus settled, and I hope settled to your Satisfaction, let me come a little to the Point, and tell you fairly and candidly what it was induced me to write to you. And because I am afraid my Stile will differ pretty much from that of most of your Correspondents, at least such of them whose Letters you make publick, I must once again beseech your Patience. This will, I hope, be the more readily granted me; because I shall take Care to say nothing which ought to put you in a Passion; Nothing which concerns you as a Private Man; and nothing which does not concern the Publick as much as you or me.

In the first Place, Sir, I must observe to you, that so far as I am able to judge, the People of *Britain* are at this Day divided much in the same Manner they used to be; that is to say, into *Noble* and *Ignoble*, *Rich* and *Poor*, *High* and *Low*, *Clergy* and *Laity*, *Men of Estate*, and *Genteel Professions*, who live by their Labour, and who live upon Charity. All these, I humbly apprehend, are bound by the Laws of the Land; and if they transgress those Laws, I presume the Government may punish them without Tyranny; nay, I must own I should think it a Sort of Tyranny not to punish them. For as all Offences against the Laws are Injuries done by a certain Set of Private Men against another Set of Private Men; if the Government stands neuter, those who compose it act unjustly, and consequently stand in the Light of Tyrants to those that are injured. These, Sir, are Notions I have pick'd up, not indeed from Play-Books and News-Papers, but from such Authors on Law and Government, as are in most general Esteem.

It seems also plain to me, that we live under a certain System of Rule, which with Respect to us, is call'd the Constitution; and concerning this Constitution my Conceptions are these. I look upon the *King*, the *Lords Spiritual* and *Temporal*, with the *Commons in Parliament assembled* to be the *Legislature*, the *Supreme* and *Ultimate Power* known to the *People* of these *Nations*. I am perswaded that the Laws made by them, bind the People; and that where they are not bound by these Laws, they have, in a Political Sense, a Freedom of doing what they please. I say in a Political Sense, because I do not apprehend that a Man is ever absolutely at Liberty to do what he pleases; since as a Rational Creature he ought to do what is right. I do not foresee that any Objection can be made to what I have hitherto laid down; and tho' I am now to go from Principles to Consequences, yet I shall still use all imaginable Care, in advancing nothing but what is clear and uncontestable.

As the Laws bind private Persons, so they bind all Ranks and Degrees amongst us. That Maxim of our Law which declares *The King can do no Wrong*, plainly shews he cannot act against Law. For what is Law, but a Declaration of Wrong? to which the King himself gives his Assent. The Lords Spiritual and Temporal are also bound by the Laws. We know what the Nobles do in *Poland* and even in *France*, and we know, that they cannot do so here. I come last of all to speak of the Commons. As to the Right assembled in Parliament, they are plainly a Part of the Law, and I have nothing to do with them. But as to the rest of the Commons of *England*, I see no Reason why they should not be as much bound by the Laws, as the King and the Lords. And I profess I do not understand how it can be Tyranny in the One, or Oppression in the Other, to violate the Laws, if it be not criminal, highly criminal, for any private Man to break through them. If it was not so, the meanest of the People would be more noble than the first Man of Quality in the Kingdom. And he whose Garret does not entitle him so much as to vote for a Member at *Westminster*, might take upon him to controul the Parliament that sits there. Surely this is an evident Absurdity! and no Man living will maintain, that a Nation who vindicated their Rights against Crown'd Heads, should sit down tamely, and see those Rights insulted by Tyrants without Shoes.

It is also plain to me, that our Constitution subsists in full Vigour, because I see *King*, *Lords*, and *Commons assembled in Parliament*, and all acting there as the Constitution directs. If the *King* governed without a *Parliament*, as in the Days of our Ancestors was often the Case, I should be under great Apprehensions. If the Lords, like the Barons, gave Laws both to King and People, I should conceive the Constitution dissolved, as I likewise should, if I saw a House of Commons sitting alone without King or Lords, which was once the Case; and I hope I shall not be thought either disaffected to the King, or an Enemy to the People, if I say, that I wish neither us, nor our Posterity may see this again. It is to this happy Constitution that we owe our Liberty, to our Liberty we owe our Trade, to our Trade our Wealth, to our Wealth our Power, to our Power that Reverence paid us by Foreigners. In fine, we owe all Things to our Constitution.

But I would be glad to know if these reasonable Propositions upon which our Happiness and Safety so much depend were firmly rooted in the Minds of Men, how we should come by these elaborate Discourses, which claim the Attention of the World, in yours and in other Publick Papers. For, Sir, as I observed to you at the Beginning, they breathe a Spirit absolutely inconsistent with the Notions I have been recommending, and, pardon me if I say, not very consistent with the Subsisting of our Constitution. For, Sir, what Worth is there in general Protestations of Loyalty, if the same Men, in the same Breath, are guilty of particular Acts of Disrespect to their Prince. The warmest Protestations of Zeal for the Constitution are either not credible, or not to be regarded, when we see those who make them attempting actually to subvert the Constitution! And lastly, there is little Heed to be given even to the most assuming Claims to Publick Spirit, if such as set up those Claims act visibly from Motives of private Interest. These, Sir, I take to be self evident Things, and as such I lay them down to you without either ill Language or ill Manners; and I take Leave to say, that it is as self-evident those Men intend no Good to the Constitution, who do not in Speech and in Writing preserve that Respect to all the Branches thereof, to which in their Nature they stand entitled.

It is no Answer to what I have been laying down, should you say, that you and your Associates have taken no greater Liberties than is consistent with the Rights of a free People. For this is only stating an Absurdity gravely, and telling a notorious Falsehood with a demure Face. The Laws are the Measure of the King's Authority, and of the People's Freedom. An Inhabitant of *Britain* has no more a Right to maltreat the Legislature, than he has to pick Pockets, or to cut Throats. And tho' the Legislature may in its great Wisdom see Reason to suffer such Offences to pass, yet that does not change their Nature, they are Offences still. A Pickpocket or a Murderer does not become so by being punished, but by his committing the Felony. So at *Rome*, when a Man ventured to commit Parricide, no body doubted that it was a most heinous Crime, tho' the Laws had not put any body in mind of committing it by enacting a Punishment.

There are but two Ways in Nature by which our Constitution can be subverted, or in other Words, by which we and our Posterity may be ruined. Of these the First is a foreign Conquest, which can never happen, if we be not divided amongst ourselves; the Second is, Domestick Sedition, which, as I said, must concur in bringing about the former. Now how shall these Disturbances at home be ever produced, if private Men do not forget that Deference which is due to the Laws, and those who make them, and in the Heat of a foolish, petulant Humour, scatter such Notions as are destructive of Government, or which is the same thing, of social Happiness, which, how *mad*, how *irrational* soever, we may see not to be impossible, from what has been brought about in respect to reveal'd Religion, and even to the common Principles of Morality, which we all know have by a sort of ridiculous Buffoonry been brought into Contempt with weak, unthinking People, and thereby produced a Ruin here, as well as hereafter.

It is likewise no Answer to what I have advanced, should you say, that the Granting my Propositions would take away the Freedom of the People. For I say, and I can prove, that no such Consequence will follow from my Doctrine. I have already said, that where the Laws do not bind, the People are politically free. Now while any Law is under Debate, every Man is at his Liberty to give his Opinion upon it; but still with this Restriction, that he speaks decently, and that he does not pretend to exclude his Fellow-subjects from the like Freedom, that is, by charging them with Corruption, with acting against their Consciences, or being Enemies to the People. Such a Behaviour is a manifest Breach of the Constitution. For it takes away from a Man that Liberty which the Constitution leaves him; it excludes Freedom of Debate, it begets Dissention upon the Spot. Far be it from me to suggest the least Impeachment of the People's legal Liberty; and I call God to Witness, that I am no farther an Enemy to the Liberties other People take, than as I am afraid in the End they may leave us no Liberties at all. We know perfectly well, that a Mob cannot govern, nay that a Mob cannot depute proper Governors, but will naturally become the Slaves of such as have Cunning enough to govern them; and it is for this Reason, that I endeavour to oppose such Invectives as tend to depreciate the Legislature in the Eyes of the People, and to remove the supreme Power out of the Hands of the Legislature, in order to place it, no body knows where; I say no body knows where, because, when it is once taken from the Legislature, it may not rest where those who took it away would place it, but where, perhaps, they would least of all desire to see it placed.

You see, Mr. *Common Sense*, the Grounds on which I think you a very extraordinary Person, and your Writings very extraordinary Writings; do not call me Names if I tell you, that I sincerely hope they will have no very extraordinary Consequences, tho' I must be so free as to own, that they appear to me to have a strong Tendency to create Dissentions, Tumults, and even to excite Rebellion. If they should have any of these Consequences, they would perhaps have another Consequence, which I should be very sorry to see; and that is, they might affect the Liberty of the Press; which, as I am confident it never will be in Danger under the present Administration, so I am in great Doubt, considering the ill Examples that have been set, whether it will be safe under any other. I am sorry I have been obliged to say so much, but the present State of Things hath extorted it from me; we are already engaged in a War with Enemies abroad, methinks therefore we ought to have a little Quiet at home; and what Quiet can we have so long as there are a Set of Men amongst us, who arraign the Publick Wisdom of the Nation; and who, because their particular Purposes are not answer'd, would, in so critical a Juncture, alter the Constitution; and introduce a new Sort of Government, when it really concerns us to defend the Old. I am,

Your humble Servant,

R. FREEMAN.

Last Saturday arrived the Mail due from Holland.

Petersburgh, Nov. 20. *O. S.*

THE Empress will not be going for Moscow so soon as was given out, which Delay is partly ascrib'd to the Discovery of some dangerous Designs form'd to disturb the Tranquility of the Empire, in which 'tis said the Dolgorucki Family is engag'd. We are told from Novogrod Welikio, that some Persons of Distinction have been condemn'd to Death for it, several others to Imprisonment for Life, and some to Banishment in Siberia: But this Advice coming attended with hardly one Particular of the Conspiracy, it deserves some Explanation. As the Czarina has nothing more at Heart than the Maintenance of Peace and Union in her Dominions, she has sent Orders to the Velt Marshal de Munich to carry his Forces as fast as he can into the Heart of the Empire. A Courier arriv'd here three Days ago, who 'tis said brought the Grand Signior's Ratification of the Treaty of Peace, and the Czarina's Ratification is already on the Road to Constantinople. We have at length receiv'd certain Advice, that Thamas Kouli Kan took the Great Mogul Prisoner, and that he did not restore him to Liberty till he engag'd solemnly to observe the Conditions that were prescrib'd to him.

Warsaw, Nov. 24 O. S. The Russian Army, which is passing thro' Poland from the Niester, has receiv'd Orders to hasten its March to the Russian Frontier, and the Regiment of Guards is gone before, that it may be at Petersbourg as soon as possible. Some of the Regiments that were under the Command of the Velt-Marshal de Lascy, are likewise returning to the Heart of Russia.

Stockholm, Nov. 24 O. S. Upon the Arrival of certain News from M. Noleken, the King's Minister at Petersburgh, his Majesty has not only held a Council with his Ministers, but the Senate has assembled Soldiers are still levy'd by Force in all Parts of the Kingdom, and the Combination of several very remarkable Circumstances, seems to prognosticate that next Year will be the Epocha of some considerable Event in the North. The Resolution taken in the last Diet of the States, for the Encouragement of Manufactures is putting in execution, and several Houses are already appointed for the Imployment of Spinners.

Copenhagen, Dec. 1. O. S. A great Conference has been held at Court, upon the Arrival of Letters from Petersbourg. We are assur'd, that Mr. Titley, the British Minister, has negociated an Augmentation of the Auxiliaries for his Britannick Majesty; by which he is to take into his Pay 7000 Danish Foot, and 3000 Horse. The Number of Seamen in the Service of his Danish Majesty, is to be augmented to 8000.

Vienna, Nov. 28. O. S. Two Days ago, as the Court was celebrating the Birth-day of the Queen of Poland, and of the Great Duke of Tuscany, it was agreeably surpriz'd with the happy Return of Prince Charles of Lorrain, who return'd that Day from Hungary, where he finish'd his Quarantine; and tho' he was ill there for some Time, he is now so well recover'd, that it cannot be perceiv'd that he has been out of Order. His Arrival gives a general Joy both to the Court and City.——The Grand Seignior's Ratification of the Treaty of Belgrade arriv'd here some Days ago from Constantinople, but our Ministry does not seem very well pleas'd with the Manner in which 'tis drawn up. It seems as if they had studied at the Porte for the most ambiguous Terms, to puzzle the Cause, and to render the Instrument liable to future Cavils. Therefore the Court is resolv'd to insist upon a clear and precise Ratification without Ambiguity, as a Piece of that Nature ought to be penn'd. 'Tis conjectur'd, from some Motions which the Turks begin to make again on the Side of Croatia, that they don't care to give up their Pretensions to certain Districts of that Province.

FOREIGN PORTS.

Hamburgh, Dec. 18. N. S. Arrived the St. Peter, Wahso; and the Hope, Duncker, from London.

Amsterdam, Dec 21. N. S. On the 18th arrived the Greyhound, Samuel Biggs, from Damiata: 'Near 'Marseilles is lost the Ship commanded by Thomas 'Roubaud, bound to Barcelona.' At the Canaries is arrived the Ship of Capt. Haworth, from hence. 'Near Malstrand is lost the Ship commanded by 'Jonas Hasaz, bound from Copenhagen for Bourdeaux; and on the Swyneboed, that by John Albregt Jenstang, bound from Lubeck for France.'

HOME PORTS.

Deal, Dec. 14. Wind S. W. In the Downs his Majesty's Ship Dunkirk; the Dutch East-India Ship for Holland; the Foxhunter, Haynes; the Neptune, Moucher; and the Gothick Lion, Moren, for Leghorn; the Partridge, Pearce; the Richmond, Shervill; the Elizabeth, Lee; the Charming Rachel, Perkins, for Gibraltar; the Dorothy, Douglas, for Antigua; the Mary, Reed, for Maryland; the John, Heffernam; the Nathaniel, Hunter; the Webster, Stevens; the Royal Elizabeth, Thode; and the Dawson, Gilmore; all for Ireland; the Cleeve, Rice, for Falmouth; and the Algarve, Oldieg, for Faro.

Deal, Dec. 15. Wind N. W. Remain the Dunkirk Man of War, and the Dutch East-India Ship from India. All the Outward-bound Ships are sail'd this Forenoon. Came down since and sail'd thro', the London Merchant, Hill, for Dublin; the Dispatch, Jones, for Falmouth; the Mary, New, for Ireland and the West-Indies; and the Hasley, Suttle, for Dublin. Arrived the Hibernia, Cumerford, from Hamburgh.

Arrived at several Ports.

At Swanzey, the Batchelor, Woodrope, from Maryland.

In Bristol Channel, the Bond, Spence, from Virginia ('having lost all her Masts in a Storm on the '4th of November last;') and the Jane, Barry, from Newfoundland.

At Rotterdam, the Betty, Denny, from Cuba; the ——, Wright, from Antigua; the Nelson, Skelton, and the ——, Howe, from Whitchaven.

LONDON.

We hear from Paris, That the King's Council of State has pass'd an Arret, suppressing a Piece entituled *A Collection of loose Essays in Prose and Verse; by M.* de V——; and condemning young Prault the Bookseller, in whose Custody the Copies were seiz'd, to pay a Fine of 500 Livres, and to shut up his Shop for 3 Months.

The Pine-Apple, Capt. Andrew Segourney, bound from South-Carolina for London, is lost near Rye: The People and some Part of the Cargo saved.

The Six Marine Regiments are to be quartered Three in England and Three in Scotland, till they are ready to be embark'd for Foreign Service.

Last Friday one Lyons was convicted at Hicks's-Hall, for defrauding a Widow Woman at Edgware of 20 Tods of Wool, under false Colours and Pretences; for which Offence he was fin'd One Shilling, and order'd to stand in the Pillory at the said Town of Edgware.

On Saturday Morning last died, after a long Indisposition, the Wife of Mr. John Cordwell, one of the present Common Councilmen for Castle Baynard Ward, City Carpenter, and Contracter with the proper Committees for the wooden Work of the intended City Mansion House.

Yesterday his Majesty, the Duke, and the Princesses, attended by divers of the Nobility and Gentry, went to the Chapel Royal, and heard a Sermon preach'd by the Rev. Dr. Clarke.

The Sword of State was carried before his Majesty to and from the Chapel by the Right Hon. the Lord Viscount Harcourt.

This Day the Pattern of the new Cloathing for the Six Regiments of Marines will be shewn to his Majesty for his Approbation.

Yesterday his Majesty's Reprieve came to Newgate for respiting the Execution of Thomas Hannings, now under Sentence of Death, for inlisting Men into Foreign Service, for Six Weeks.

We hear that the other Prisoners are to be executed on Friday next at Tyburn.

On Saturday last the following Prizes were drawn in the Bridge Lottery; viz. No. 13305, 54575, each 100 l. No 30823, 27338, 30143, 68803, 27978, 19468, 16274, 32434, 62671, 6253, 64504, 48028, 20692, each 50 l.

There were Two thousand and One Prizes drawn in the said Lottery last Week.

BANKRUPT.

William Sparrow, of Sudbury, in the County of Suffolk, Saymaker.

		Morning		Evening	
High Water this Day at London Bridge.	}	00	00	00	29

Bank Stock 139 3-4ths. India 158 1-half. South Sea 97 1-half. Old Annuity 110 1-4th. New ditto 110 1-4th. Three per Cent. 100. Seven per Cent. Loan 111. Five per Cent ditto 95 1-half. Royal Assurance 88. London Assurance 11 1-8th. African 13 1-half. India Bonds 4 l. 13 s. Premium. South Sea ditto 16 s. Prem. bank Circulation 2 l. 12 s. 6 d. Prem. Salt Tallies 1-half to 1 Prem. English Copper 3 l. 6 s. 6 d. Welsh ditto 15 s. Three 1-half per Cent. Exchequer Orders 100 1-half. Three per Cent. ditto 95. Million Bank 111 1-half. Equivalent 112 1-8th. Lottery Tickets 5 l. 14 s. to 15 s.

This Day is publish'd,

A Proposal for HUMBLING SPAIN.

Written by a Person of Distinction in 1711, now first published from the Manuscript. To which are added, Considerations on the Indemnifying Great Britain from the Expences of the present War.

Printed for J. Roberts at the Oxford Arms in Warwick-lane.

This Day is Published,

[Price 6 d.]

Dedicated to the Right Hon the Lord Mayor, the Court of Aldermen, and the Common Council of the City of London.

A Short Account of the State of our Woollen Manufactories, from the Peace of Ryswick to this Time. Shewing their former flourishing and their present ruinous Condition; and that they always flourished when France could not get our Wooll, but declined in proportion to the Quantities of Wooll exported to them.

To which is added, an effectual Scheme to prevent the Exportation of our Wooll, by an Universal Register.

Printed for T. Cooper at the Globe in Pater-noster-row.

December 4, 1739.

THE Trustees of the Estate of JOHN ALLEN, of Silsoe in the County of Bedford, Gentleman, do hereby give Notice to his Creditors, that if they will apply to Mr. Benjamin Greene, of Ampthill in the said County Draper, within Six Weeks from the Date hereof, and make due Proof of their Debts, they will be entitled to a Dividend, in Proportion to the Estate and Effects of the said Mr. ALLEN; a Distribution thereof being then to be made by the Trustees. And all Persons indebted to the Estate of the said Mr. ALLEN, are forthwith to pay the same to the said Mr. Greene, or in Default thereof they will be sued without further Notice.

This Day is published,

(*In Three Volumes in Octavo,*) *the Second Edition of*

THE Modern Cook: Containing Instructions for Preparing and Ordering Publick Entertainments for the Tables of Princes, Ambassadors, Noblemen, and Magistrates. As also the least expensive Method of providing for private Families in a very elegant Manner. New Receipts for dressing of Meat, Fowl, and Fish, and making Ragouts, Fricassees, and Pastry of all Sorts, in a Method never before published. Adorn'd with Copper-plates, exhibiting the Order of Placing the different Dishes, &c. on the Table, in the most polite Way.

By Mr. VINCENT LA CHAPELLE,

Late Chief Cook to the Right Hon. the Earl of Chesterfield: *And now Chief Cook to his Highness the Prince of* Orange.

Printed for T. Osborne in Grays-Inn.

LAW BOOKS Lately Published,

Printed for T. OSBORNE, *in* Gray's-Inn.

1. PRecedents in Chancery: Being a Collection of Cases argued and adjudged in the High Court of Chancery, from the Year 1689 to 1722.

2. Reports of Cases taken and adjudged in the Court of Chancery, in the Reign of King Charles I. Charles II. James II. William III, and Queen Anne. Being special Cases, and most of them decreed with the Assistance of the Judges, and all of them referring to the Register Books; wherein are stated several Points of Equity, Law, and Practice. To which are added learned Arguments, relating to the Antiquity of the said Court, its Dignity, Power, and Jurisdiction: The great Case between the Duchess of Albemarle and the Earl of Bath. The Third Edition, with Additions.

3. Reports of Cases adjudged in the Court of King's Bench, from the 33d Year of King Charles II. to the 9th Year of King William III. With some Arguments in special Cases. By Robert Skinner late of the Inner Temple, Esq; Published by his Son Matthew Skinner, Serjeant at Law.

4. The Report of several Cases argued and adjudged in the Court of King's Bench at Westminster, from the first of King James II. to the 10th Year of King William III. Collected by Roger Comberbatch, Esq; late Recorder of Chester; Published by his Son Roger Comberbatch, of the Inner Temple, Esq.

5. Modern Cases in Law and Equity, in Two Parts: Containing, 1st. Reports of special Cases argued and adjudged in the Court of King's Bench in the 7th, 8th, 9th, 10th, 11th and 12th Years of King George the First. 2. Cases argued and decreed in the High Court of Chancery, in the 8th, 9th, 10th, and 11th Years of King George the First. To which are added, some special Cases on Appeals.

6. Cases argued and decreed in the High Court of Chancery, in Three Parts. The Third Edition, carefully corrected from the Errors of former Impressions. To which are now added, Proper Notes and References to the ancient and modern Books of Law and Equity, with many new Cases, Maxims, and Rules, necessary for illustrating and explaining the Whole.

N B. At the abovesaid T. OSBORNE's may be had all manner of Books at the cheapest Rates, and Money for any Library or Parcel of Books and Manuscripts.

LONDON: Printed for T. COOPER, at the *Globe* in *Pater-noster-Row.*